

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 1, 2009- -7:30 P.M.

Mayor Johnson convened the regular meeting at 7:48 p.m.

Roll Call - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-326) Proclamation Declaring September 19, 2009, as Coastal Cleanup Day.

Mayor Johnson read and presented the proclamation to Sharol Nelson-Embry, Supervising Naturalist with the East Bay Regional Park District Crab Cove Visitor Center.

Ms. Nelson-Embry thanked Council for the proclamation.

CONSENT CALENDAR

Mayor Johnson announced that the Quarterly Treasury Report [paragraph no. 09-329] and the Public Hearing [paragraph no. 09-333] were removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-327) Minutes of the Special City Council and Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meetings held on August 3, 2009. Approved.

(*09-328) Ratified bills in the amount of \$10,529,125.06.

(09-329) Recommendation to Accept the Quarterly Treasury Report for Period Ending June 30, 2009.

Councilmember Gilmore inquired how the City made \$4.8 million in

interest when \$1.8 million was budgeted.

The Interim Finance Director responded interest was not included in the budget for most of the funds last year.

Mayor Johnson inquired how interest has been allocated.

The Interim Finance Director responded interest has been allocated based on account balances; stated last year's budget should have included interest income as part of the revenue source.

Councilmember Tam stated that she is happy that the report notes idle cash has been invested for various assessment districts and bond funds.

Councilmember Gilmore moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*09-330) Resolution No. 14375, "Approving the Amended and Restated Third Phase Agreement With NCPA and Exercising Alameda's Withdrawal Rights to Terminate Alameda's Participation in the Western Geopower Incorporated Geothermal Energy Project." Adopted.

(*09-331) Resolution No.14376, "Authorizing the Interim City Manager to Submit an Application to the State Water Resources Control Board for Financial Assistance, Certify that the City Will Comply with All Applicable State and Federal Statutory and Regulatory Requirements, and to Negotiate and Execute All Necessary Documents to Implement the Installation of Mechanical Trash Racks at Storm Water Pump Stations." Adopted.

(*09-332) Resolution No. 14377, "Authorizing the Interim City Manager to Submit an Application to the State Water Resources Control Board for Financial Assistance, Certify that the City Will Comply with All Applicable State and Federal Statutory and Regulatory Requirements, and to Negotiate and Execute All Necessary Documents to Implement the Rehabilitation of the Structural Stability of Approximately 3,000 Linear Feet of the Southshore Lagoon Seawalls Adjacent to City Streets." Adopted.

(09-333) Public Hearing to Consider Introduction of an Ordinance "Amending Ordinance No. 1277, N.S. to Rezone Approximately .23 Acres Located at 3236 and 3238 Briggs Avenue, APN 069 007604601, From R-4, Neighborhood Residential Zoning District, to R-4-PD, Neighborhood Residential Planned Development District Zoning Designation." Introduced; and

(09-333A) Resolution No. 14378, "Approving Applications for Rezoning (R07-002), Planned Development (PD07-0002), and Parcel Map (PM07-0004) at 3236 Briggs Avenue" for Parcel Map No. 9326 to Allow the Subdivision of the Property into Two Separate Parcels." Adopted.

The Planning Services Manager gave a brief presentation.

Mayor Johnson inquired why so much time lapsed between the Planning Board's review and now.

The Planning Services Manager responded the Applicant was working on the maps and some site improvements.

Mayor Johnson stated two years is too long between the Planning Board's recommendation and the matter coming to the City Council.

Mayor Johnson opened the public portion of the Hearing.

Opponents (Not in favor of staff recommendation): Jacqueline Riley, Alameda; and Anne Taylor, Alameda.

Proponent (In favor of staff recommendation): John Medulan, Property Owner.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Following Ms. Riley's comments, Mayor Johnson inquired whether Ms. Riley is opposed to the project or hours of construction.

Ms. Riley responded that she is opposed to the project; stated construction hours should be limited if the project is approved.

Mayor Johnson inquired whether Ms. Riley received a notice of tonight's public hearing, to which Ms. Riley responded in the negative.

Councilmember Gilmore inquired what existed on the lot [in the neighborhood that now contains a large home] when Ms. Riley moved in two years ago, to which Ms. Riley responded nothing.

Vice Mayor deHaan inquired whether the current houses [under consideration] are mansions, to which the property owner responded in the negative.

Vice Mayor deHaan stated the properties [on Briggs Avenue] are

unique, have very deep lots, and usually have two houses with one in the back.

Councilmember Gilmore stated there seems to be some property confusion; the pictures do not show any construction or a large house; the neighbors have an issue with a different property.

Mayor Johnson stated the neighbors are concerned with what type of development could be done after the proposed subdivision; the lag in time should not have occurred.

The Planning Services Manager stated that he concurs with Mayor Johnson; the property owner was trying to meet Planning Board requirements.

Councilmember Gilmore inquired whether a full public process would be required to do an ad on or exterior renovations, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese inquired whether building an additional structure in the backyard would be more difficult if the property is subdivided.

The Planning Services Manager responded without subdividing, there would be one less property line to deal with and one less parking space required.

Mayor Johnson inquired whether there could be greater density in the back part of the lots [if not subdivided], to which the Planning Services Manager responded in the affirmative.

Councilmember Gilmore inquired whether the same number of units would be allowed with or without the subdivision, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired why the project was not sent back to the Planning Board, to which the Planning Services Manager responded the application seemed to be straight forward.

Councilmember Matarrese stated the Planning Board needs to take another look at the project.

Councilmember Gilmore stated the underlying issue seems to be straight forward; there is a potential for four units regardless of approving or disapproving the subdivision; the mass of the units that could be built on the site is much greater without a subdivision; the owner fulfilled the Planning Board's requirements.

Councilmember Gilmore moved approval of the staff recommendation.

Councilmember Gilmore suggested that the speakers contact staff about the other referenced property.

Mayor Johnson stated the neighbors should have concrete, real answers regarding what can be built; sending the project back to the Planning Board would be best.

Councilmember Matarrese stated placing the public hearing on the Consent Calendar is inconsistent with past practices.

Councilmember Gilmore stated a public hearing occurred two years ago; the Planning Board gave the property owner a list of conditions that needed to be fulfilled in order for the project to come to Council; the property owner would be penalized [if the matter went back to the Planning Board] for doing what was expected; that she has sympathy for the property owner because time is money.

Councilmember Matarrese inquired whether the ordinance is being introduced tonight and final passage would be agendized for the next meeting.

The Planning Services Manager responded the ordinance would come back to Council for final passage at the next meeting; however, the subdivision issue would not.

Mayor Johnson inquired whether there was anything onerous about what the Planning Board required in 2007.

The Planning Services Manager responded the Planning Board wanted utilities separated and a portion of the garage removed so that the garage would not cross the property line.

Vice Mayor deHaan inquired whether utilities have been split, to which the Planning Services Manager responded in the affirmative.

Councilmember Tam stated the neighbors' concerns would be addressed with the Planning Board's seven findings with respect to the subdivision.

Councilmember Tam seconded the motion.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers deHaan, Gilmore and Tam - 3. Noes: Councilmember Matarrese and Mayor Johnson - 2.

REGULAR AGENDA ITEMS

(09-334) Resolution No. 14379, "Reappointing Hannah Bowman as a Member of the Youth Advisory Commission." Adopted;

(09-334 A) Resolution No. 14380, "Reappointing Jordan Flores as a Member of the Youth Advisory Commission." Adopted;

(09-334 B) Resolution No. 14381, "Reappointing Anjuli Sastry as a Member of the Youth Advisory Commission." Adopted;

(09-334 C) Resolution No. 14382, "Reappointing Bhaani Singh as a Member of the Youth Advisory Commission." Adopted;

(09-334 D) Resolution No. 14383, "Reappointing Angela Sterling Vick as a Member of the Youth Advisory Commission." Adopted; and

(09-334 E) Resolution Appointing Valerian Lee as a Member of the Youth Advisory Commission. Not adopted.

The City Clerk announced that the resolution appointing Valerian Lee was withdrawn from the agenda.

Councilmember Matarrese moved adoption of the remaining resolutions.

Councilmember Tam seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office and presented certificates of appointment to Ms. Bowman, Ms. Sastry and Ms. Singh.

CITY MANAGER COMMUNICATIONS

(09-335) Fire Department Response Standards

The Interim City Manager gave a brief introduction.

The Fire Chief gave a Power Point presentation.

Councilmember Tam stated Ruby Bridges Elementary School has experienced many false alarms in the past; inquired how the Fire Department responds to school alarms.

The Fire Chief responded school alarms are treated the same as commercial buildings; stated one engine and one truck would be dispatched; a full response is sent for hospital fire alarms.

Mayor Johnson inquired whether the National Fire Protection

Association (NFPA) minimum personnel requirements are the same as the Occupational Safety and Health Administration (OSHA).

The Fire Chief responded in the negative; stated the OSHA requirement is the two in and two out rule.

Mayor Johnson inquired whether NFPA standards are guidelines, not requirements, to which the Fire Chief responded in the affirmative.

The Fire Chief continued the presentation.

Mayor Johnson inquired whether the Fire Department meets the one-minute turnout standard, to which the Fire Chief responded in the negative.

Mayor Johnson inquired what is the Fire Department's turnout time, to which the Fire chief responded two to two and a half minutes.

Mayor Johnson inquired whether Emergency Medical Services (EMS) turnout time is faster.

The Fire Chief responded EMS turnout time is slightly longer; stated staff is reviewing ways to improve the time.

The Fire Chief continued the presentation.

Councilmember Tam stated a ten-minute ambulance response time would result in a patient being declared brain dead.

The Fire Chief stated the County is revising the standard; the matter is a cost issue.

In response to Mayor Johnson's inquiry, the Fire Chief stated fire and EMS turnout times are both within two or two and a half minutes; the County does not separate out turnout time standards.

The Fire Chief continued the presentation.

In response to Councilmember Matarrese's inquiry, the Fire Chief stated a cardiac arrest is a life threatening Code Three; a non-threatening Code Three would be someone who is experiencing chest pains; a Code Two would be a non-serious trauma, such as a broken bone, flu symptoms, dizziness, or maternity complications.

Mayor Johnson inquired who develops the protocols, to which the Fire Chief responded the codes are worldwide.

The Fire Chief concluded the presentation.

Vice Mayor deHaan inquired whether the Fire Department has any standards other than NFPA standards.

The Fire Chief responded the Fire Department does not have any policy standards.

Councilmember Tam stated the City's budget documents are considered policy.

Councilmember Gilmore inquired what is the incremental benefit of sending sixteen firefighters as opposed to fourteen; further inquired whether responses to multiple incidents at the same time would be better if fourteen firefighters are sent.

The Fire Chief responded the Fire Department can handle one medical call and one fire call at the same time with the current response standard; responding to two medical calls and one fire call at the same time would leave the department short one engine; the Incident Commander would assess the situation and determine whether or not mutual aid is needed.

Councilmember Matarrese stated some of the fire facilities are old; firefighters live in the house next door to Station 3; replacing Station 3 would be in the millions of dollars as would be additional staff.

The Fire Chief stated modern fire stations are designed to minimize the distance between where firefighters are in the building and the apparatus.

Councilmember Matarrese stated standards have progressed with design; suggested that the matter be reviewed.

The Fire Chief stated that firefighters are wearing more gear, which adds to the turnout time.

REGULAR AGENDA ITEMS

(09-336) Discussion of Alameda-Contra Costa (AC) Transit's Service Reductions and Provide Direction to Staff for Alameda-Contra Costa (AC) Transit's September 12, 2009 Community Workshop.

The Transportation Coordinator gave a brief presentation.

Mayor Johnson stated transportation to BART is critical; the Transbay service is being left in tact.

Councilmember Matarrese stated the most feedback has been received regarding the Line 63 service; urged people to attend the community workshop on September 12.

Councilmember Gilmore stated AC Transit has been very thoughtful regarding the proposed changes; that she has concerns with service at Encinal High School; ridership numbers need to be carefully reviewed before cutting service.

Vice Mayor deHaan stated reductions have been made every two years; bus service will be Alameda Point's transportation backbone; demographics and density have changed; the Summerhouse area is extremely dense.

Councilmember Tam inquired whether the reason for the proposed discontinuation of Line 50 is because ridership is low due to the Harbor Bay Business Park's contract with a private transit contractor for service to the airport.

Cory Lavigne, AC Transit Service and Operations Planning Manager, responded in the affirmative; stated competing with a free, reliable service is impossible.

Mayor Johnson inquired whether AC Transit has an overall policy regarding transporting passengers long distance versus BART.

Mr. Lavigne responded AC Transit has different policies to address various concerns; stated the primary issue is reviewing service that does the least amount of harm to the most people; the East End's connection to the Fruitvale BART station will be reviewed.

Speakers: Debra Arbuckle, Alameda; Former Councilmember Barbara Kerr, Alameda; and Kathy Moehring, West Alameda Business Association (WABA).

Councilmember Matarrese stated that he takes Line 19 from Marina Village; that he is the last passenger when he gets off in Emeryville.

ORAL COMMUNICATIONS, NON-AGENDA

(09-337) Michael John Torrey, Alameda, thanked the City for implementing the Code Red system.

COUNCIL REFERRALS

(09-338) Consideration of Allocating \$2 Million of Measure WW Funds for the Construction of a New Boys and Girls Club Recreation Center

on the Former Woodstock School Site.

The Interim City Manager gave a brief presentation.

Councilmember Tam provided brief comments.

Proponents: George Phillips, Alameda Boys & Girls Club; Sally Rudloff, Alameda Boys & Girls Club; Joyce Guy; Mike McMahon, Alameda Unified School District; Jon Thurston, Alameda Boys & Girls Club; Gig Codiga, Boys & Girls Club; Randy Marmor, Alameda Youth Basketball, Inc.; Burney Matthews, Alameda Boys & Girls Club; Barry Parker, Alameda Boys & Girls Club; Kathy Moehring, WABA; Irene Kurarhuskas, Alameda Family Services; Reverend Roger Bauer, Alameda; Mario Mariani, Alameda; Nancy O'Malley, Alameda; and Don Sherratt, Alameda Boys & Girls Club.

Opponents: Jean Sweeney, Alameda; Jim Sweeney, Alameda; Dorothy Freeman, Alameda; Joseph Woodard, Alameda; Pat Colburn, Alameda; Red Wetherill, Alameda; Former Councilmember Barbara Kerr, Alameda; Debra Arbuckle, Alameda; Richard Bangert, Alameda; and Lily Leung, Alameda.

Councilmember Tam stated Measure WW has a provision which allows for recreation facilities close to residents; that she thinks the Woodstock Park Recreation Center renovation could be easily integrated into the Boys and Girls Club recreational improvement effort; sufficient funds could be left over for priority projects because of distressed economic times.

Councilmember Matarrese inquired whether the Council Referral process is to allow Council to hear the request and provide direction, to which the Interim City Manager responded in the affirmative.

Councilmember Gilmore inquired how late the Boys and Girls Club is open.

Mr. Phillips responded weekdays until 7:00 p.m.; Friday's until 8:00 p.m.; all day Saturday; every day during summer and spring and holiday breaks; the building is available for others to use on Sundays.

Councilmember Gilmore stated the State approval process would need to be completed in order to have the building approved since the building would be on school district property; the State building codes change as of January 1; inquired whether a new approval process would be necessary if a shovel is not put into the ground by January 1.

Mr. Phillips responded the Boys and Girls Club has a Joint Use Agreement with the School District; the Alameda Unified School District uses the facility during the day; the City, Boys and Girls Club, and School District would jointly govern and operate the facility; a general contractor has been selected with compliance of prevailing wage laws; a new approval process would be necessary if construction does not start by January 1; \$3 million in grant funding will expire in January.

Vice Mayor deHaan stated Alameda Point is the key area earmarked to receive \$6.5 million; parks and recreation has \$3.5 in discretionary funds; knowing what can and cannot be done is necessary; the question is whether to go forward and have staff work on the matter.

Councilmember Tam stated the Council Referral would be to direct staff to apply for the \$2 million grant and enter into a Joint Use Agreement; that she would be happy to ensure that language includes the appropriate amount of staff work.

Mayor Johnson inquired whether Councilmember Tam's direction can be done under the referral process.

The Senior Assistant Attorney II stated the agenda description is fine from the Brown Act standpoint; action has been taken in the past under Council Referral.

Councilmember Matarrese stated the intent [of Council Referrals] is to prevent Councilmembers, as individuals, from loading the City Manager and staff with tasks that are not the will of the Council; that he does not feel comfortable allocating \$2 million tonight without having questions answered; Council needs to know whether the \$2 million would finish the project and whether the City would get public equity to meet the public investment; that he wants to know whether there is anything in the national Boys and Girls Club organization that would result in the City getting less than \$2 million worth of equity; the City would put up cash, not the School District; that he wants to know more about whether the project would meet the requirement of investing public money in a public use facility.

Councilmember Gilmore inquired how quickly staff could get back with answers; stated time is of the essence.

The Interim City Manager responded numbers could be provided; stated a determination cannot be made on behalf of the Park District; executing final documents would take quite a while.

Councilmember Gilmore stated the first step should be to receive a better document from the Park District regarding eligibility; that she is concerned with the time frame.

The Interim City Manager stated the application would be a reimbursement, not a grant; questioned who would float the money in the interim.

Councilmember Tam stated the Boys and Girls Club has funds to front the project if the City enters into an agreement; the Boys and Girls Club would be reimbursed through the City's pass through funding.

The Interim City Manager stated an oral report could be provided at the September 15 Council Meeting; the financial analysis could be provided later.

Mayor Johnson stated costs should be reviewed; estimates may be on the high side.

Councilmember Matarrese stated the Boys and Girls Club programs provide things that the City cannot do or does not provide enough of; everything comes down to dollars and cents; the biggest concern is whether public use requirements are met, that the public use is memorialized, and whether the project can be completed with the contribution.

Vice Mayor deHaan stated the City has provided \$450,000 in redevelopment funds.

Mr. Phillips stated \$265,000 was provided.

Vice Mayor deHaan stated \$250,000 was provided for the architectural portion two years ago; another \$200,000 was committed; that he would like to receive a clarification of the referral process.

(09-339) Councilmember Matarrese moved approval of continuing the meeting past midnight.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Matarrese moved approval of directing staff to answer the technical questions outlined as well as other concerns and

provide an oral report at the next Council Meeting.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

COUNCIL COMMUNICATIONS

(09-340) Consideration of Mayor's nominations for appointment to the Economic Development Commission and Historical Advisory Board.

Mayor Johnson nominated Robert McKean and Bruce C. Reeves for appointment to the Economic Development Commission and Matthew D. Hoffman for appointment to the Historical Advisory Board.

(09-341) Vice Mayor deHaan stated the three soccer fields at Estuary Park are unusable because of the lack of watering; requested that the matter be reviewed.

The Park and Recreation Director stated that he would review the matter.

(09-342) Councilmember Tam provided a report on the Federal Emergency Management Agency (FEMA) emergency training she attended; stated the best part of the training was the interaction with City staff; policy changes need to be made on response times; labor contracts need provisions that reflect the need to deal with disasters.

Mayor Johnson inquired whether the nature of the provisions was discussed.

Councilmember Tam responded the Public Works Director in Oakland said that his staff can only do certain things; stated multi-tasking is necessary in a disaster.

The Police Chief stated the Police Department will be having meetings with the Interim City Manager and Fire Department regarding lessons learned from Oakland as well as other communities; an exercise is planned for the winter.

Mayor Johnson stated the School District should be included in the exercise.

The Interim City Manager inquired whether Councilmember Tam was referring to amending vendor contracts or contracts with other agencies, to which Councilmember Tam responded both.

The Interim City Manager stated Alameda is an island; supplies need

to be on hand; the City should be prepared to function longer than ninety-six hours; the City needs to be diligent.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the regular meeting at 12:09 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA)
AND COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -SEPTEMBER 1, 2009- -6:00 P.M.

Mayor Johnson convened the special joint meeting at 6:22 p.m.

Roll Call - Present: Councilmembers / Board Members /
Commissioners deHaan, Gilmore, Matarrese,
Tam and Mayor/Chair Johnson - 5.

Absent: None.

The special joint meeting was adjourned to Closed Session to consider:

(09-324 CC/ARRA/09-30 CIC) Conference with Real Property Negotiators; Property: Tideland Trust Properties; Negotiating parties: City of Alameda, ARRA, CIC and various leaseholders; Under negotiation: Price and terms

(09-325 CC) Conference with Real Property Negotiators; Property: 1855 N. Loop Road and 1 Clubhouse Memorial Drive; Negotiating parties: City Manager and Harbor Bay Isle Associates; Under negotiation: Price and terms

Speakers: Robert Sullwold, Alameda; and Jane Sullwold, Golf Commission, discussed 1855 N. Loop Road.

Following the Closed Session, the Special Joint meeting was reconvened and Mayor/Chair Johnson announced Tideland Trust Properties, the Council/Board/Commission provided instruction to the negotiator; and regarding 1855 N. Loop Road, the City Manager discussed issues of price and terms; Council provided instruction.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint meeting at 7:38 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -SEPTEMBER 1, 2009- -7:29 P.M.

Chair Johnson convened the Special meeting at 7:47 p.m.
Commissioner Matarrese led the Pledge of Allegiance.

Roll Call - Present: Commissioners deHaan, Gilmore, Matarrese,
Tam and Chair Johnson - 5.
Absent: None.

CONSENT CALENDAR

Chair Johnson announced that the recommendation to award Contract
[paragraph no. 09-32] was removed and would return at later date.

Commissioner Gilmore moved approval of the remainder of the Consent
Calendar.

Commissioner Matarrese seconded the motion, which carried by
unanimous voice vote - 5. [Items so enacted or adopted are
indicated by as asterisk preceding the paragraph number.]

(*09-31) Minutes of the Special Joint City Council, Alameda Reuse
and Redevelopment Authority, and CIC Meeting held on August 3,
2009. Approved.

(09-32) Recommendation to Award a Contract in the Amount of
\$151,315 to Ray's Electric, Inc. for Park Street and Buena Vista
Avenue Utility Undergrounding. Not heard.

AGENDA ITEMS

None

ADJOURNMENT

There being no further business, Chair Johnson adjourned the
Special Meeting at 7:48 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown
Act.